

City Council Special and Regular Meetings July 8, 2003

Twin Pines Senior and Community Center, 1223 Ralston Avenue

SPECIAL MEETING: TIME 7:00 P.M.

CLOSED SESSIONS

A. Conference with Legal Counsel, pursuant to Government Code Section 54956.9(b).

Anticipated Litigation, One Case

B. Public Employee Performance Evaluation, pursuant to Government Code Section 54957:

City Attorney Savaree

Attended by Councilmembers Feierbach, Metropulos, Warden, Bauer, Wright, City Manager Kersnar, City Attorney Savaree, Assistant City Manager Rich. Deputy City Clerk Harrington was excused from attending.

ADJOURNMENT at this time, being 7:30 P.M., these Closed Sessions were adjourned.

This meeting was not tape-recorded.

Sheila Harrington

Deputy City Clerk

REGULAR MEETING - 8:20 P.M.

COUNCILMEMBERS PRESENT: Feierbach, Metropulos, Warden, Bauer, Wright

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Community Development Director Ewing, Public Works Director Davis, Finance Director Fil, Acting Police Chief Mattei, IT Manager Harnish, Human Resources Director Dolan, Deputy City Clerk Harrington

ANNOUNCEMENT OF CLOSED SESSION ITEMS (from 6/24/03 and earlier this evening)

Mayor Wright announced that direction was given, but no action taken.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Clare Lee, San Jose, invited the Council to a rally in San Francisco in support of freeing Dr. Charles Lee who was jailed in China recently for his Falun Gong beliefs.

Denny Lawhern, Hiller Street invited Council to going away party for Tom and Charlene Seivert.

Shan Zhue, Sunnyvale, also spoke in support of Dr. Charles Lee and Falun Gong.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Metropulos announced that he attended the Notre Dame de Namur dormitory ground breaking and reminded the residents that the Ralston Avenue road improvements would begin soon.

Councilmember Bauer noted that the state has not approved a budget, and the City could potentially lose \$800,000 in revenue to the state. He encouraged citizens to contact state politicians to protect Belmont's services.

Mayor Wright commended Councilmember Bauer for the time he spent on lobbying on behalf of Belmont in Sacramento. He further announced that Nomination papers for City Council, City Clerk and City Treasurer would be available in the City Clerk's office from July 14 through August 8th.

AGENDA AMENDMENTS

4-C Written Communication removed for separate consideration by Councilmember Bauer.

CONSENT CALENDAR

Approval of meeting minutes: (none)

Approved of Warrant List Dated: June 27, 2003, in the total amount of \$220,939.77.

Approved Motion to approve Claims Management Report (none).

Motion to waive reading of Ordinances.

Ordinance 990 Amending Belmont City Code Chapter 6, Bicycles. (2nd reading and adoption).

Ordinance 991 amending Chapter 14, Article 5, Skateboards, Skates, Bicycles and Similar Vehicles (2nd reading and adoption).

Resolution No. 9430 Supporting and Endorsing the Midpeninsula Regional Open Space District's Proposed Extension of its Boundaries to the San Mateo County Coast to Preserve Open Space and Agricultural Lands.

Resolution No. 9431 Approving a Professional Services Agreement with Cotton, Shires & Associates for Design Services to Stabilize the Foundation of the San Juan Pump Station for an Amount not to Exceed \$30,000.

Resolution No. 9432 Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount not to Exceed \$504,000, and Authorizing the City Manager to Execute a Contract for Bus Route Rehabilitation Various Locations (Phase II), City Contract No. 451.

Resolution No. 9433 Authorizing Refund Of General Obligation Tax Overpayment As A Sewer Service Charge Credit To Be Included In The FY 2004 County Of San Mateo Property Tax Roll.

Resolution No. 9434 Authorizing the City Manager to Execute a Professional Services Agreement with NBS For Community Facilities District Administration Services For The Belmont Library Project.

Resolution No. 9435 Accepting Work, Approving Contract Change Orders No. 1 and 2, and Authorization to Issue Notice of Substantial Completion for Resurfacing Streets -- Various Locations, G. Bortolotto & Co., Inc., City Contract No. 448.

Resolution No. 9436 Authorizing the Belmont Police Department to Apply for a Federal Department of Justice/COPS Grant to Provide Funding for the Belmont Police Department Volunteer Program.

Action: On Motion by Councilmember Warden, seconded by Councilmember Metropulos and approved unanimously by show of hands to approve the Consent Calendar with the exception of Written Communication.

REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION.

Written Communication 1) dated June 20, 2003, from U.S. Bankruptcy Court, in re PG&E, Order Setting Hearing on Disclosure Statement and Deadline for filing Objections Therefo, Case 01-30923 DM (hearing scheduled July 31, 2003).

Councilmember Bauer stated this item dealt with the planned reorganization of PG&E under Chapter 11. He noted that we could anticipate long term rate increases and legal fees that would be passed on to the consumer. Councilmember Bauer encouraged the public to attend the hearing in San Francisco.

Action: On Motion by Councilmember Bauer, seconded Councilmember Metropulos, and approved unanimously by a show of hands to accept the Written Communication.

PUBLIC HEARINGS

Re-hearing of a Public Hearing to consider an appeal filed on February 28, 2002, by Mr. Steven Eckert, regarding Planning Commission Action taken on February 19, 2002, denying a Setback Variance to allow a proposed deck expansion to encroach into the required 15-foot rear yard setback for property located at 1814 Oak Knoll Drive, being Portion of Lot 8, Block 9, Belmont Country Club Properties Subdivision No. 1, APN 044-064-080.

Mayor Wright took a straw poll and asked the Council if they agreed with staff's recommendation that due to new information presented by Mr. Eckert, this matter should be referred back to the Planning Commission. The council concurred this should go back to Planning Commission.

Mayor Wright opened the public hearing.

Mr. Timothy Sullivan, Mariners Island, San Mateo, attorney for Mr. Eckert agreed with the staff recommendation. He requested a September hearing date before the Planning Commission.

On a Motion by Councilmember Bauer, seconded by Councilmember Metropulos and approved unanimously by a show of hands the public hearing was closed

Action : On a Motion by Councilmember Warden, seconded by Councilmember Bauer and approved unanimously by a show of hands to direct the matter back to the Planning Commission for reconsideration including a public hearing to receive and consider new testimony and to take action on the variance.

Consideration of Ordinance deleting Chapter 2, Article V of the Belmont Municipal Code, Purchasing, and introducing Chapter 2, Article V Regarding Purchasing Control System, and Approval of Resolutions Establishing Certain Criteria Regarding Purchasing Control System.

Finance Director Fil stated that modern business practices would be implemented with the requested actions. There would be greater responsibility and improved accountability over purchasing. The current purchasing threshold is \$200, the new limits for over the counter purchases would increase to \$5,000, open market purchases would be done by purchase order or contracts up to \$50,000, Open market purchases Level 2 up to \$100,000 approved administratively, Public construction limits were set at \$100,000 pursuant to State Law Public Contracts Code Section 22032. These numbers would increase automatically with the Consumer Price Index. He noted the purchase card program has been a success and would continue.

Finance Director Fil stated the new system is more comprehensive than the old system. A comprehensive prequalification process will be implemented for certain construction projects. He noted this proposal has been reviewed by staff, City Attorney Savaree, and the Finance Commission.

Mayor Wright opened the public hearing.

On motion by Councilmember Bauer, seconded by Councilmember Feierbach, the public hearing was closed.

In response to Councilmember Feierbach's question regarding raising the threshold for purchases, Finance Director Fil outlined the multiple steps staff takes to bring a report to Council, he thought the new threshold would be a more efficient process and was a common practice in other communities. Finance Director Fil clarified that he would make decisions as the Purchasing Officer for items up to \$50,000 and that he would work in conjunction with the City Manager for items between \$50,000 and \$100,000. Council would approve all items over \$100,000.

He stated Council would see the expenditures in monthly reports.

City Manager Kersnar noted that major purchases were approved during the budget process. This new process will require greater reporting responsibility of staff.

Council discussion ensued regarding their concern for the new spending thresholds and the type of reporting that would result from the new system.

Finance Director Fil stated the warrants report would be included as part of the annual audit. He stated they could provide a monthly summarized financial report for council. He suggested working with the Finance Commission to generate new reports in September.

Council concurred they would like to see monthly reporting of expenditures.

Action: On a Motion by Councilmember Bauer, seconded by Councilmember Feierbach, and approved unanimously by a show of hands the Ordinance was introduced by title deleting Chapter 2, Article V of the Belmont Municipal Code, Purchasing, and introducing Chapter 2, Article V regarding Purchasing Control System, set 2nd reading and adoption for July 22, 2003.

Action: On a Motion by Councilmember Warden, seconded by Councilmember Bauer and approved unanimously by a show of hands to adopt all the resolutions as presented by staff:

Resolution No. 9437 Establishing Powers and Duties of the Purchasing Officer

Resolution No. 9438 Establishing Bidding Procedure Exceptions

Resolution No. 9439 Setting Purchase Limits

Resolution No. 9440 Establishing a Prequalification Process for Bidders of Public Construction Projects

Resolution No. 9441 establishing Procedures for Bid Appeal Hearings

Resolution No. 9442 Establishing Procedures for Ratification and Approval of Warrants, Checks or Electronic Disbursements

Resolution No. 9443 Establishing Procedures for Disposing Surplus Property

Resolution No. 9444 Adopting Financial Policies Pertaining to Practices of the Purchasing Control System

Recess 9:20 P.M.

Reconvene Meeting 9:30 P.M.

OLD BUSINESS

Final Report and Recommendation from the Outdoor Recreation Task Force.

Parks and Recreation Director Mittelstadt outlined the history of the Outdoor Recreation Task Force and noted their purpose was to: 1.) Establish a total dollar amount for the proposal for: open space acquisition, athletic field improvements and on-going maintenance. 2.) Establish criteria for the prioritization of acquisition of open space. 3.) Establish a priority list of athletic field improvements. 4.) Recommend type of funding source. 5.) Conduct a citizen survey. 6.) Make a final recommendation.

Task Force Member Joan Dentler reviewed the priority list for improvements: Nesbit, Sports complex (artificial turf on North Field), Ralston, McDougal, Barrett, Fox, Central, and Cipriani.

She stated the task force determined that it would take approximately \$8.3 million to make all the improvements. She noted that 6,500 people used the fields on an individual basis, which equated to 280 sports teams.

Task Force Member Denny Lawhern outlined the potential uses for open space, the criteria for acquisition and the methods to protect open space. He stated the Task Force agreed to a 30 year Mello-Roos bond and considered options ranging from \$10.2 million bond to \$7.2 million.

Mr. Lawhern stated the Task Force recommended that the City Council look for ways to acquire Water Dog Lake, preserve the maximum amount of open space in the Western Hills, rezone city land in HRO3 (west of Hastings Ridge area in the canyon off the Jewish Community Center Area) to Agriculture/Open Space.

Assistant City Manager Rich stated that, in May, Decision Research performed a public opinion survey of 400 registered voters. He highlighted responses from the survey, which indicated that citizens were not in favor of a parcel tax at this time. The dollar value tested ranged from \$20 to \$126 per year, and none of the amounts would clear the two-thirds threshold that was required for a parcel tax.

Joan Dentler outlined the final recommendation of the Task Force: the City should not proceed with a bond measure in November 2003; the City should adopt the athletic field priorities, open space uses and acquisition criteria, the City should adopt the policy positions regarding Water Dog Lake, the Western Hills and the HRO3 zoning change. The City should fund enhanced maintenance at athletic fields (to \$12,000 per acre), which would calculate to an additional \$5,000 per acre or \$100,000 annually in additional funding. The City should contribute \$20,000 to the San Juan Canyon Preservation Trust annually. This would help employ an executive director to obtain donations of land and other funding sources. The City should reconsider the issue of athletic field improvements and open space preservation in 2004 by adding it to the next Priority Calendar review in March.

In response to Councilmember Warden, City Manager Kersnar stated it was probably legal to use Redevelopment Agency funds for the improvement of the field at Nesbit School.

Finance Director Fil stated there was approximately \$10,000 in the open space fund.

City Manager Kersnar stated that if the recommendations were accepted in concept, then Council could consider implementing them at midyear or next year with the knowledge that an additional expenditure of \$120,000 per year would cause a reduction somewhere else in the city budget.

Councilmember Feierbach suggested that the tree removal fee should go into the open space fund or a tree fund instead of the general fund. She agreed with the recommendations presented.

Councilmember Bauer stated he was opposed to contributing to the San Juan Preservation Trust annually. He stated they were an independent trust that should raise their own money. He further stated he would like to review the rezoning recommendation in greater detail.

Councilmember Warden stated the San Juan Preservation Trust would give the city leverage and he did not have a problem with the recommendations.

Councilmember Metropulos stated their biggest problem was wanting to fund something when they do not have money in the budget. He supported the recommendations and liked Councilmember Warden's idea about using Redevelopment Agency funds.

The Council discussed how much money the San Juan Canyon trust has received from the city and the purpose of their work.

Finance Director Fil stated he thought the San Juan Canyon Preservation Trust had received \$30,000 in Community Group Funding twice in the past few years for a total of \$60,000.

Eric Dentler, San Juan Canyon Preservation Trust, briefly outlined the history of funding to the Trust and thought they currently had \$60,000 in their account. He spoke in favor of the recommendation to fund the Trust \$20,000 annually.

Mayor Wright stated the task force made significant progress and he supported the recommendations. He agreed the San Juan Preservation Trust would provide the City with leverage, he did not think city money should be used to buy land, but supported money for personnel. He thanked the task force for their work.

Action: On Motion by Councilmember Warden, seconded by Councilmember Metropulos to accept the recommendations of the Outdoor Recreation Task Force.

Councilmember Warden further requested that the city clerk put a number 9 on a future agenda to explore the use of redevelopment funds for use at Nesbit School fields.

Councilmember Wright suggested a friendly amendment to vote on items within the report separately.

City Manager Kersnar suggested accepting the report and direct staff to bring forward each item for Council to discuss separately.

Councilmember Warden suggested bifurcating accepting the report from accepting the recommendations.

Action: Councilmember Warden made a substitute motion, seconded by Councilmember Feierbach, to accept the report and bifurcate the motion to accept the recommendations, approved unanimously by a show of hands.

Action: Councilmember Warden made a motion to accept the recommendations of the report, seconded by Councilmember Metropulos and approved by a show of hands 4/1 (Bauer, No)

Due to the hour, Council discussed considering items out of order and continuing other items to the next meeting

CONSIDERED OUT OF ORDER

NEW BUSINESS

Consideration of Resolution Authorizing the Public Works Director to Enter into an Agreement with the Mid-Peninsula Water District to Provide Fleet Maintenance Agreement and Repair Services for a One-Year Trial Period.

Public Works Director Davis stated the recent reorganization of Public Works services division increased the capacity of the automotive services division without increasing the number of staff. This proposal would generate approximately \$25,000 in revenue per year. He stated they would return to Council, after the trial period, with a final recommendation.

Action: On Motion by Councilmember Bauer, seconded by Councilmember Wright and approved unanimously by a show of hands to adopt :

Resolution No. 9445 Authorizing the Public Works Director to Enter into an Agreement with the Mid-Peninsula Water District to Provide Fleet Maintenance Agreement and Repair Services for a One-Year Trial Period.

OLD BUSINESS

Discussion and Direction for Recommended Changes to the Neighborhood Traffic Calming Program.

Council concurred to continue this item to the next meeting, however the public was allowed to speak at this time.

Mr. Jeffrey Selman, Chula Vista, stated the traffic calming plan for Chula Vista was implemented in February 2002 with 69% of the citizens on Chula Vista in support of the program. He asked how the recommended changes would impact the Chula Vista traffic calming program. He thought there were two significant changes being proposed 1. Enhancement on increase in the critical speed level for making a determination that a particular street meets the criteria for traffic calming. 2. Increase the residential approval threshold for a trial program from a simple majority to a 67% supermajority. He requested that he and his neighbors receive notification if there was going to be discussion to change the Chula Vista program. He wondered if it made sense to allow residents on side streets to have a voice in the process.

Mayor Wright stated that traffic issues are a neighborhood issue and the Council is trying to create a process for the neighborhood to decide on these issues for themselves.

At this time being 10:30 P.M. On Motion by C. Bauer, seconded by C. Metropulos to extend the meeting by 15 minutes.

Resolution Establishing Guidelines for the Installation of Multi-Way Stop Signs on Residential Streets.

Council concurred to continue this item to the next meeting on, July 22, 2003.

NEW BUSINESS

Request for Purchase of City-owned Property at Southwest corner of Old County Road and Ralston Avenue (APN 040-331-220 and 040-331-200).

City Manager Kersnar stated if council wanted to consider disposition of this property, they should schedule a closed session meeting to discuss the specifics. He recommended not selling the property at this time, because the City is currently conducting a number of planning studies, some very specific to this area for future development or redevelopment. He noted that Caltrain may expand their right of way to accommodate additional tracks. City Manager Kersnar suggested waiting a few months, once the studies were completed, before making a final decision.

Ralph Kirberg adjacent property owner and requester of this agenda item, spoke in favor of acquiring the property. He thought the lot was currently in a state of disrepair and it would benefit the city in the long run if he owned it. He stated he would prefer to purchase instead of leasing, was aware of the potential right of way issues and was willing to take the chance if Caltrain expanded their tracks.

Action: On motion by Councilmember Bauer directing staff to negotiate with Mr. Kirberg. Motion died for lack of a second.

Action: On motion by Mayor Wright, second by Councilmember Warden and approved by a show of hands 4/1 (Bauer No) to defer this item until completion of the Visioning Process.

At this time being 10:45 P.M. on motion by Councilmember Metropulos, seconded by Mayor Wright and approved unanimously by a show of hands to extend the meeting by 15 minutes.

BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS

Update on Police/City Hall Project.

Assistant City Manager Rich presented the Council with a sample of the hardscape for the plaza, pictures of the landscaping program, and carpet samples. He stated staff would return to Council for approval of the Construction Management agreement, and for the plans and specification at the next meeting. A special meeting may be necessary, if the building permit is not issued before the next regular meeting. Assistant City Manager Rich anticipated that the bid opening and award of contract would occur in September. The groundbreaking would be scheduled for November. He noted that cost estimates have remained at \$6.7 million for the construction; however, a final cost estimate is expected before the project goes out to bid.

In response to Councilmember Warden, Assistant City Manager Rich stated \$133,000 has been received from the State dedicated to this project, which freed up a portion of the RDA funding. Staff is currently pursuing \$750,000 in potential federal funding.

Warren Lieberman, Miramar Terrace, spoke as a citizen, acknowledged the current police facility was inadequate. He thought the total project would cost \$9 million. He asked Council to consider the unanticipated monetary increase that may occur with this project and discuss where they would find the additional funding in advance of the bid opening.

Robert Ledoux, Miramar Terrace, spoke as a citizen, recommended setting a monetary tolerance level before the bids were opened. He stated that if the bids were higher than expected then the project should be reconsidered. He thought problems could occur during the construction stage.

Mayor Wright stated he appreciated the speakers' concerns and thought the City Council had agreed on a level of investment, had done due diligence for this project and had contingencies in place.

Councilmember Warden stated this has been a well thought out decision and he had faith in the people involved in the project and a reasonable contingency was in place.

ADJOURNMENT 11:05 P.M.

Meeting Audio and Video Recorded

Tape No. 558
Sheila Harrington
Deputy City Clerk